

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Olympia Johnson, Debtor Nationstar Mortgage LLC d/b/a Champion Mortgage Company Movant v. Olympia Johnson, Debtor/Respondent William C. Miller, Esquire Trustee/Respondent	Bankruptcy No. 17-10123-elf Chapter 13 Hearing Date: September 3, 2019 Hearing Time: 9:30 a.m. Location: Courtroom #1 900 Market Street Philadelphia, PA 19107
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Secured Creditor, Nationstar Mortgage LLC d/b/a Champion Mortgage Company, (“Nationstar”), by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor, Olympia Johnson, (“Debtor”), filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on January 9, 2017.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On July 19, 2010, Debtor executed and delivered a Note (“Note”) with a maximum principal amount of \$496,500.00. A true and correct copy of the Note is attached hereto as Exhibit “A.”

4. The Note was secured by a Reverse Mortgage that was recorded with the Philadelphia Recorder of Deeds on August 13, 2010 as Instrument Number: 52247935. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”

5. The Mortgage was secured as a lien against the Property located at 242 Christian Street, Philadelphia, Pennsylvania 19147, (“the Property”).

6. The loan was lastly assigned to Nationstar and same was recorded with the Philadelphia County Recorder of Deeds on January 6, 2017. True and correct copies of the Assignments of Mortgages are attached hereto as Exhibit “C.”

7. Based upon the Debtor’s Chapter 13 Amended Plan (the “Plan”), the property is included in the plan and Debtor is curing pre-petition arrears. A true and correct copy of the Plan is attached hereto as Exhibit “D.”

8. Additionally, while there are no post-petition regular monthly payments due on the reverse mortgage, the Debtor is required to maintain property taxes and homeowner’s insurance.

9. The terms and conditions of the Note and Reverse Mortgage have been in default, and remain in post-petition default, in the amount of \$2,047.00 since April 23, 2019 due to failure to maintain homeowner’s insurance on the Property. See Exhibit “E.”

10. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for “cause” which includes a lack of adequate protection of an interest in property. Sufficient “cause” for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor has no assets or equity in the Mortgaged Property.

11. As set forth herein, Debtor has defaulted on her secured obligation as she has failed to maintain her homeowner's insurance on the Property.

12. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Nationstar, its successor and/or assigns to pursue its state court remedies, including the filing of a foreclosure action.

13. Additionally, once the stay is terminated, the Debtor will have minimal motivation to insure, preserve, or protect the collateral; therefore, Nationstar requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, Nationstar Mortgage LLC d/b/a Champion Mortgage Company, respectfully requests this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit Nationstar Mortgage LLC d/b/a Champion Mortgage Company to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted,

Robertson, Anschutz & Schneid, P.L.

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